

UNITED STATES DISTRICT COURT

for the

District of Montana

United States of America

v.

RAMON GASPAR-OCHOA

Case No: CR 12-12-M-DLC-01

USM No: 11688-046

Date of Original Judgment: 10/05/2012

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Michael P. Sherwood

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Defendant seeks a sentence reduction under the 2023 amendment to § 1 B1.13(b)(6). (Docs. 141, 149.) The amendment provides that if a defendant "received an unusually long sentence and has served at least 10 years of the term of imprisonment, a change in the law [] may be considered in determining whether the defendant presents an extraordinary and compelling reason." 88 Fed. Reg. 28254 (May 3, 2023). This consideration only applies where such a change in law "would produce a gross disparity between the sentence being served and the sentence likely to be imposed at the time the motion is filed, and after full consideration of the defendant's individualized circumstances." *Id.*

Notwithstanding this argument, however, Gaspar-Ochoa would still be subject to the same career offender guideline enhancement if he were sentenced today and, ultimately, his guideline range as a career offender would remain the same as it was in 2012—that being a range of 262 to 237 months. (*See* PSR ¶ 53.) Accordingly, the Court finds that, given Gaspar-Ochoa's original guideline sentence of 262 months, there is no gross disparity between what Gaspar-Ochoa's sentence was in 2012 and what it could potentially be if he were sentenced today. The Court further finds that Defendant's other "individualized circumstances" do not support a finding that compassionate release is warranted. Accordingly, the motions (Docs. 141, 149) are denied.

Except as otherwise provided, all provisions of the judgment dated 10/5/2012 shall remain in effect.

IT IS SO ORDERED.

11/19/2024



Judge's signature

Effective Date: _____

(if different from order date)

Dana L. Christensen, District Court Judge

Printed name and title